

MEDIATION PROCESS

The Mediation process is to encourage early resolution of problems whenever possible. States are required to offer mediation as a voluntary option to parents and public agencies as an initial process for resolving **any disputes**. Mediation cannot be used to deny or delay a parent's right to a due process hearing or deny any other parental rights under Part C of the Individuals with Disabilities Education Act. Mediation sessions are conducted, by a qualified and impartial mediator, who is trained in effective mediation techniques. The Lead Agency shall bear the cost of the mediation process and maintain a list of qualified mediators who are knowledgeable in laws and regulations relating to the provision of special education relating to the provision of special education and related services.

Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties to the mediation process will be required to sign a confidentiality pledge prior to the commencement of such process.

The Arkansas Department of Human Services, Division of Developmental Disabilities Services has adopted the mediation process used by the Arkansas Department of Education for Part B of the Individuals with Disabilities Education Act.

Mediation may be requested by a parent or attorney (representative) of Part C in accordance with PL 108-446 section.